

REMARKS/ARGUMENTS

This amendment is submitted in response to the Office Action dated July 22, 2004. After entry of this amendment, claims 2-5, 7-19, 21-25, and 27 will be pending in the Application. Reconsideration and allowance is respectfully requested in view of the remarks made below.

1. The Rejections Under 35 U.S.C. § 102 (b) and 35 U.S.C. § 103(a)

Claims 2-5, 7-8, 13-15, 18-19, 21-23 and 28-29 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 4,978,016 (hereinafter "Hayes"). Applicant submits that amended independent claims 15, 21, and 23 are not anticipated by Hayes. Claims 11-12, 16-17 and 24-25 were further rejected under Section 103 as being unpatentable over Hayes. Claims 9-10 were rejected under Section 103 based on a combination of Hayes and US patent 6,116,442 to Higgins. Claim 27 was rejected under Section 103 based on a combination of Hayes and US Patent 6,119,883 to Hock et al. Claims 2-5, 7-8, 11-19, 21-25 and 28-29 were rejected under Section 103 based on a combination of Hayes and US patent 4,478,343 to Ostrowsky. Claims 9-10 were rejected under Section 103 based on a combination of Ostrowsky, Hayes and Higgins. Claim 27 was rejected under Section 103 based on a combination of Ostrowsky, Hayes and Hock et al. Applicant respectfully traverses these rejections, and respectfully submits that such rejections cannot appropriately be applied to the claims as amended, for the reasons set forth below.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently describe, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Newly amended claims 15, 21, and 23 require that "one of said flexible web elements has a ventilation opening," and further require "a predetermined crease line" to be defined therein. There is no suggestion or disclosure of a predetermined crease line in any of the prior art references of record or of which Applicant is aware. Nor is there any suggestion or incentive present that would have led a person having ordinary skill in this area of technology to modify any of the cited references to achieve what Applicant is claiming in either of independent claims 15, 21 or 23.

Accordingly, Applicant respectfully submits that the claims as amended patently define over Hayes, Ostrowsky, Higgins, Hock et al. or any combination of the features thereof that would be permissible under Section 103.

2. Conclusion

Applicant has made an earnest effort to place this application in condition for allowance. If the Examiner feels that a telephone interview would expedite prosecution of this patent application, he is respectfully invited to telephone the undersigned at 215-599-0600.

Respectfully submitted,

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